

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DURRELL GARDNER,	:	
	:	Civil Action No. 10-64 (RBK)
Plaintiff,	:	
	:	
	:	
v.	:	ORDER
	:	(CLOSED)
CAPE MAY COUNTY CORRECTIONAL	:	
CENTER, et al.,	:	
	:	
Defendant.	:	

For the reasons expressed in the Court's Opinion filed herewith,

It is on this 13th day of January, 2010,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the application by Plaintiff, Durrell Gardner, to proceed in forma pauperis is hereby GRANTED; and it is further

ORDERED that the Clerk of the Court is directed to file the Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General of the State of New Jersey and on the Warden at the Cape May County Correctional Center; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b) (2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE, in its entirety, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), for failure to state a claim at this time.

s/Robert B. Kugler

ROBERT B. KUGLER

United States District Judge